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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,207	02/14/2002	Douglas M. Crockett	020199	3088

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

GESESSE, TILA HUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,207

Applicant(s)

CROCKETT ET AL.

Examiner

Tilahun B Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/15/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of

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compending Application No. 10/076848. Although the conflicting claims are not identical, they are not patentably distinct from each other because the conflicting claims have similar subject matter with pending application , it is appropriate to apply non statutory double patenting rejection.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5,9-13,17-21,25-29 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Vishwanathan (US 2003/0017836A1).

Claim 1,Vishwanathan discloses a method for adding a user to a group call in a group communication network (page 5 para. 0059, page 6, para.0064), receiving a request from a user who wishes to initiate a group call (page 5, para.59) , determining whether the group call is in progress (abstract) and sending a request to a server (figures 8A-C) to add the user to the group call if the group call is in progress (page 6 para. 0064). Vishwanathan discloses receiving a response from the server indicating that the group call is in progress (page 6, para. 0064).

Claim 2, Vishwanathan teaches voice data for the group call is transmitted in a multicast session (abstract).

Claims 3-5, Vishwanathan discloses alerting the user of being added to the group call (page 6 para.0064), forwarding media from the network, after a traffic channel is re-established (page 8 para 0090-0100 and figure 8).

Claim 9, Vishwanathan discloses a server, a computer readable medium embodying a method for adding a user to a group call in group communication network, (figures 9 and 10), receiving a request for initiating a group call (page 7, para 0082), determining whether the group call is in progress (page 7, para 0082 and figure 10), adding the user to the group call if the group call is in progress (page 7 para 0082 and figure 10).

Claims 10-13, they are method claims corresponding to method claims 1-5 above. Therefore, claims 10-13 are analyzed and rejected for the same reason as set forth in the claims.

Claim 17, Vishwanathan discloses a server (group call SW1 , 1066A) for adding a user to a group call in a group call in a group communication network (page 5 para 0059 and figure 7), means for receiving a request for initiating a group call (page 9, 0114 and figure 16), means for determining the group call in progress (page 6, para. 0064) and means for adding the user to the group call if the group call is in progress (page 6 para. 0064).

Claims 18-21, they are apparatus claims corresponding to method claims 2-5 above. Therefore, claims 18-21 are analyzed and rejected for the same reason as set forth in the claims.

Claim 25, Vishwanathan discloses a server for adding a user to a group communication network (figure 16), a receiver (RAN-1) and a transmitter (RAN-1 of figure 16,) and a processor communicatively coupled to the receiver and the transmitter (RAN-1 processor of figure 16), receiving a request for initiating a group call (page 4, para 0046), determining whether the group call is in progress (page 4 para 0049), adding the user to the group call if the group call is in progress (page 8 para 0097).

Claims 26-29, they are apparatus claims corresponding to method claims 2-5 above. Therefore, claims 26-29 are analyzed and rejected for the same reason as set forth in the claims.

Claim 33, Vishwanathan discloses a server for adding a user to a group call in a group communication network (figure 16), a dispatcher that receives a request for initiating a group call (page 2 para 0017), a controller that adds the user to the group call if the group call is in progress (page 4 para 0049).

Claims 34-36, they are apparatus claims corresponding to the method claims 2-5 above. Therefore, claims 34-36 are analyzed and rejected for the same reason as set forth in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8,14-16,22-24,30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vishwanathan in view of Rose et al "'Rose"(6 725 053).

As to claims 6-8, Vishwanathan does not expressly disclose transmitting the request on a forward paging channel (F PCH), forward common control channel and short data burst of a wireless network. However, Rose teaches transmitting forward common control channel (F-CCCH), PCH and SDB (column 9, lines 8-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to transmit with forward common control channel, as taught by Rose, in order to set up group call connection between the joining mobile and group participants using paging channel, for the group call.

Claims 14-16 and 22-24, Vishwanathan does not expressly disclose transmitting the request on a forward paging channel (F PCH), forward common control channel and short data burst of a wireless network. However, Rose teaches transmitting forward common control channel (F-CCCH), PCH and SDB (column 9, lines 8-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to transmit with forward common control channel, as taught by Rose, in order to set up group call connection between the joining mobile and group participants using paging channel, for the group call.

Claims 30-32, Vishwanathan does not expressly disclose transmitting the request on a forward paging channel (F PCH), forward common control channel and short data

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burst of a wireless network. However, Rose teaches transmitting forward common control channel (F-CCCH), PCH and SDB (column 9, lines 8-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to transmit with forward common control channel, as taught by Rose, in order to set up group call connection between the joining mobile and group participants using paging channel, for the group call.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ahlstrom et al (6,154,645) discloses the originator MS 35 of the group call, and set up and group controller 1 10 add to the group call (column 5 lines 1-60 and figure 5).

Raith (6,385,461) discloses sets a group call network which uses broadcast or point to point radio communication to extend group call, establish a group call, transmit an initiator associated with the group call, alert users to existence of group call and join group call "add" (column 3, lines 59-68 and figure 3).

Lo et al (US 5,790,956) discloses a method of providing communication services to members of a talkgroup is a radio communication system (100). Upon receiving of a request for a talkgroup call from a communication unit, the central coordinator (114) grants the talkgroup call request for the first talkgroup (abstract).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TILAHUN GESESSE
PATENT EXAMINER

November 5, 2004